



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 12/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3439 of 2021

Rajasekaran

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Sivagangai District.
Crime No.06 of 2021.

... Respondent/Complainant

For Petitioner : Mr.A.Mohan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.06 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 21.02.2021 for the offences punishable under Sections 417,376,294(b), 506(ii), 109 of IPC and Section 4 of TNPHW Act on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner on false of marrying the victim had physical relationship with her on several occasions and thereafter refused to marry her. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner's father is no more and the petitioner's mother is a mentally retarded person. The petitioner and the defacto complainant were in love with each other and it was opposed by the defacto complainant's parents. The petitioner was ready to marry her and the parents are the only obstacle for him. He has produced the typed set of papers showing that A4 had paid a sum of Rs. 65,000/- as advance to the marriage hall and the marriage was to be held on 15.03.2021.

<https://hcservices.eccourts.gov.in/hcservices/> thereafter sensing trouble it was found that the marriage was held



on 19.02.2020 before the Registrar, Coimbatore and shows the marriage certificate. He would also submit that the marriage was performed only on the instigation of the defacto complainant's father. Hence he prays to grant bail to the petitioner.

4. The learned Government Advocate(Crl.Side) produced the 164 Cr.P.C statement of the victim girl wherein it is seen that both the petitioner and the victim loved each other from the year 2017 and thereafter they become very close and they continued their physical relationship which was facilitated by A2 in her place where they had physical relationship on the promise of marriage. Finally for the reason best known he is now refusing to marry the victim girl. Marriage was performed with Krishnarani, who is the daughter of A4 and 5. The petitioner in a well planned manner had committed rape on the victim girl on the promise of marrying her and finally after three years had refused to marry her. From the invitation it is seen that the marriage to be held on 15.03.2021 at A.B.S.Raj High Tech Community Hall for which advance was given. Copy of the invitation was also produced. This being the case there is no reason to perform the marriage on 19.02.2021 and to be registered before the Registrar Office, Coimbatore, hence he opposed to grant bail to the petitioner.

5. It is seen that the petitioner and the defacto complainant under the guise of marriage has physical relationship from the year 2018 and thereafter the petitioner refused to marry the defacto complainant. Further the petitioner had married one Krishnarani on 19.02.2021. Further sensing some trouble that the defacto complainant would stop the marriage the petitioner herein in a clandestine manner had performed the marriage on 19.02.2021 at Coimbatore in the presence of elders in private place. Hence it is clear that the petitioner in a well planned manner not only had physical relationship on the guise of marriage but also conducted marriage with another women, hence this Court is not inclined to grant bail to the petitioner.

6. In the result, the petition stands dismissed.

sd/-
12/03/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant



TO

1. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SIVAGANGAI DISTRICT.

2. THE OFFICER INCHARGE,
SUB JAIL, THIRUPATHUR,
SIVAGANGAI DISTRICT.

3. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.3439 of 2021

Date : 12/03/2021

AAV

TK/JC/SAR.2/17.03.2021/3P/4C